

**REMARKS**

Claims 1, 5, 9-15, 19-24, 29, 30, 34-41, 45-49, 54, 55 and new claims 56-72 are now in this application. Claims 1, 5, 15, 19-24, 29, 30, 39, 40, 45, 47-49, 54 and 55 are rejected. Claims 8-14, 33-38, 41, 46 and 53 are objected to. Claims 2-4, 6-8, 16-18, 25-28, 31-33, 42-44 and 50-53 are cancelled herein. Claims 1, 5, 9-15, 19-21, 34, 35, 37, 38 and 47 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Claims 15, 19 and 20 are indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, and to include all of the limitations of the base claim and any intervening claims.

Claims 8-14, 33-38, 41, 46 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, and to include all of the limitations of the base claim and any intervening claims.

**Election/Restriction**

Non-elected claims 2-4, 6, 7, 16-18, 25-28, 31, 32, 42-44 and 50-52 are cancelled herein without prejudice to prosecuting the subject matter of these claims in a divisional application.

Specification

To overcome the objection to the disclosure, the specification is amended to change the word “continues” on page 6, line 16 to the word “continuous”.

Claim Rejections-35 U.S.C. §112

Claims 15, 19 and 20 are amended to overcome the rejection of these claims under 35 U.S.C. §112, second paragraph, and now contain proper antecedent basis for the terms used in the claims.

Claim Rejections 35 U.S.C. §102/103

Claims 21, 22, 30, 47 and 48 are rejected under 35 U.S.C. §102(b) as being anticipated by Cichelli et al. Claims 1, 5(1), 21-24, 30, 47 and 48 are rejected under 35 U.S.C. §102(b) as being anticipated by Eckert. Claims 21, 22, 47, 48 and 54 are rejected under 35 U.S.C. §102(b) as being anticipated by Alvarez et al. Claims 21, 22, 30, 39, 40, 45, 47-49 and 55 are rejected under 35 U.S.C. §102(b) as being anticipated by Ono. Claim 29 is rejected under 35 U.S.C. §103 as being unpatentable over Cichelli et al., Eckert, Alvarez et al. and Ono in view of applicant's admission of known prior art.

Independent claim 1 is amended to include the subject matter of allowable claim 8, independent claim 21 is amended to include the subject matter of allowable claim 33 and independent claim 47 is amended to include the subject matter of allowable claim 53. Thus, independent claims 1, 21 and 47 include subject matter the

Examiner indicated is allowable over the prior art of record so that the rejections of the claims have been overcome and should be removed.

New claims

Claims 56-72 are presented. Claims 56-67 are directed to the heating of the gaseous component before mixing with the liquid component in the atomizing container and the heating of the aerosol.

Claim 68 is an independent claim which includes the subject matter of original claims 1 and 15. Claims 69 and 70 depend on claim 68 and include the subject matter of original claims 19 and 20, respectively. Claim 71 is an independent claim which includes the subject matter of original claims 21 and 41. Claim 72 is an independent claim which includes the subject matter of original claims 21 and 46. In view of the Examiner's indication of allowable subject matter in claims 15, 41 and 46, claims 68-72 should be allowable over the prior art of record.

Three independent claims in excess of three is/are added. Accordingly, please charge the fee of \$258 to Deposit Account No. 10-1250.

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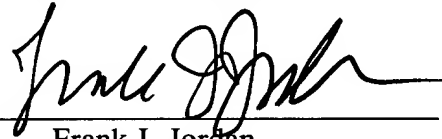
Ser. No. 09/806,216

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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